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Attorneys for Defendants and Counterclaim
Plaintiffs TOSHIBA AMERICA ELECTRONIC
COMPONENTS, INC.; and TOSHIBA
CORPORATION

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

TALON RESEARCH, LLC,

Plaintiff/Counterclaim
Defendant,

v.

TOSHIBA AMERICA ELECTRONIC
COMPONENTS, INC.; TOSHIBA
CORPORATION,

Defendants/Counterclaim
Plaintiffs.

Case No. 11-04819 CW

**REQUEST and ~~OPPOSED PROPOSED~~
ORDER TO MODIFY CASE MANAGEMENT
ORDER**

WHEREAS, on June 6, 2012, the Court issued its Case Management Order;

WHEREAS, on July 20, 2012, the Court entered an order modifying its Case Management Order;

WHEREAS, on October 17, 2012, the Court entered an order further modifying its Case Management Order;

WHEREAS, on December 27, 2012, the Court entered an order further modifying its Case Management Order;

WHEREAS, on January 16, 2013, the Court entered an order further modifying its Case Management Order;

1 WHEREAS, the parties' Joint Claim Construction and Prehearing Statement is due on
2 February 27, 2013;

3 WHEREAS, the parties have entered into a settlement agreement;

4 WHEREAS, the parties must complete certain formalities to finalize the settlement
5 agreement;

6 WHEREAS, given that only certain formalities need to be completed before the parties'
7 settlement is effected and that the parties do not wish to unnecessarily expend resources, the
8 parties believe that the Case Management Order should be further revised to delay claim
9 construction activities and discovery by nine (9) weeks; and

10 WHEREAS, the proposed change in dates does not otherwise affect summary judgment,
11 the close of fact and expert discovery, the pre-trial conference, trial date or any other filing date
12 with the Court;

13 WHEREAS, Talon Research, LLC ("Talon") presented a draft of this Stipulation to
14 Defendants' counsel, Steven Park, Robert Masters, and Ryan C. Nier ("Toshiba") on Tuesday,
15 February 26, 2013;

16 WHEREAS, Toshiba did not respond to Talon's presentation of this Stipulation on
17 Tuesday;

18 WHEREAS, Talon again requested Toshiba to respond to this Stipulation on Wednesday,
19 February 27, 2013.

20 WHEREAS, Toshiba agreed to a one (1) week delay, but as of 4:40 P.M PST had not
21 responded to Talon's e-mail response, nor to Talon's three telephonic requests to Steven Park,
22 Robert Masters, and Ryan C. Nier, to reply to Talon's response;

23 THEREFORE, Talon respectfully jointly request that the case schedule be modified as set
24 forth below:
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Event	Ordered Dates	Revised Dates
Joint claim construction and prehearing statement (Patent L.R. 4-3)	February 27, 2013	May 1, 2013
Completion of claim construction discovery (Patent L.R. 4-4)	April 3, 2013	June 5, 2013

WHEREAS, no other dates previously set by the Court are to be changed by this Stipulation and Order.

/s/ David Martinez
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ATTESTATION

In accord with the Northern District of California's General Order No. 45, Section X(B), I attest that concurrence in the filing of this document has been obtained from each of the other signatories who are listed on the signature pages. I will maintain an executed copy of this stipulation in our files that can be made available for inspection upon request.

~~PROPOSED~~ ORDER

NOW THEREFORE, IT IS SO ORDERED.

Dated: March 1, 2013


Hon. CLAUDIA WILKEN
UNITED STATES DISTRICT COURT JUDGE

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